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10 Attorneys for Relator CHRIS MCGOWAN

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15
16

17 UNITED STATES OF AMERICA *ex rel.*
CHRIS McGOWAN, an individual,

18 Plaintiff,

19 v.

20 KAISER FOUNDATION HEALTH PLAN,
21 INC., a California Corporation,

22 Defendant.
23

Case No.: CV-09-5984 (JSW)

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE BRIEFING SCHEDULE AND
INITIAL CASE MANAGEMENT
CONFERENCE**

24 WHEREAS, the initial case management conference in this matter is currently set for
25 October 26, 2012 at 1:30 p.m.;

26 WHEREAS, Defendant Kaiser Foundation Health Plan, Inc. ("Kaiser") has filed a motion
27 to dismiss the Second Amended Complaint and that motion is set for hearing on December 7,
28 2012 at 9:00 a.m.;

1 WHEREAS, Relator Chris McGowan's opposition to the motion to dismiss is currently
2 due to be filed on September 24, 2012 and Kaiser's reply brief is currently due to be filed on
3 October 1, 2012; and

4 WHEREAS, Relator needs additional time to prepare opposition and reply briefs due to the
5 press of other business of Relator's counsel, the parties believe that the case management
6 conference should be continued to the same date as the hearing on the motion to dismiss, and the
7 parties have agreed not to conduct any discovery until after the Court rules on the motion to
8 dismiss unless the Court orders otherwise or the scheduling order entered by the Court sets
9 discovery deadlines which would, actually or as a practical matter, require the parties to conduct
10 prior to the Court's ruling on the motion to dismiss.

11 IT IS HEREBY STIPULATED AND AGREED between the undersigned counsel for
12 McGowan and Kaiser as follows:

- 13 1. McGowan's opposition to the motion to dismiss shall be filed on or before October
14 3, 2012.
- 15 2. Kaiser's reply in support of the opposition shall be filed on or before October 19,
16 2012.
- 17 3. The initial case management conference, currently set for October 26, 2012 at 1:30
18 p.m., shall be reset to ~~December 7, 2012 at 1:30 p.m. or as soon thereafter as the~~
19 ~~Court's calendar permits.~~ January 18, 2012 at 1:30 p.m.

JEFFREY E. FAUCETTE
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DAVID W. O'BRIEN
JUSTIN P. MURPHY
NIMROD HAIM AVIAD
CROWELL & MORING LLP

Dated: September 28__, 2012


Hon. Jeffrey S. White
United States District Judge